

Appl. No. 10/685,914
Response Dated 6/7/05
Reply to Office Action of 3/7/05

REMARKS

Responses to Examiner's Remarks in Detailed Action

Reconsideration and further examination of the application is respectfully requested. The Application stands rejected under 35 USC § 102(b) as to all claims currently pending, on the basis of Walworth et al '751 regarding claims 1 through 6, and on the basis of Percebois et al regarding all Claims 1-3 and 5-9, and on the basis of Weber regarding Claims 10-13. Based on the amendments above and analysis below, Applicant respectfully requests that the Examiner withdraw the rejections.

Support for Amendments Made:

Applicant makes the above amendments, supported by the original specification and drawings as set forth below:

Specification: No amendments to the Specification have been requested by the Examiner or made.

Claims: Applicant has amended Claims 1, 2, 10, and 12. For the convenience of the Examiner, the Applicant points to the following specific locations for support of the revisions made, though it should be understood that by pointing out these locations, Applicant does not imply that other locations of support do not exist.

Claim 1:

- a. With respect to the combination of gland and gasket for use in a bell, see paragraph [0005] in combination with paragraph [0013]. See also generally throughout the Specification and drawings.
- b. With respect to communication between gland and gasket, see paragraph [0027], lines 9-13
- c. With respect to the disposition of the locking member in relation to the gutter and the gland-facing surface, see paragraphs [0038] through [0040], also Figures 2-4 and 8, generally.

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Claim 2:

- a. With respect to the location of the gutter in reference to the female pipe portion, see Figures 2-4 and 8 in connection with paragraphs [0029] to [0030].

Claim 10:

- a. With respect to the communication between gasket and gland, see paragraph [0027], lines 9-13.
- b. With respect to the gasket including a locking segment, see paragraph [0033], line 1.
- c. With respect to the motion that occurs in the stages of deformation, see paragraphs [0037] to [0040].

Claim 12:

- a. With respect to the greater motion of the radially outward end of the segment, see paragraph [0039] generally, including specifically lines 2-6.

Claim Rejections, § 102(b)

Walworth and Weber – Distinction Between Push-on and Mechanical Joint, in the Claim.

The Examiner has indicated that to this point in examination the terms “gland” and “bell” were not given substantial patent weight because of the way they had been recited in the claims. Applicant has revised Claims 1 and 10 to positively recite that what is claimed is a combination of a gasket and a gland in communication (see the first line of each, as amended). Applicant respectfully contends that this amendment overcomes the rejection of the Examiner over Walworth ‘751 (Claims 1-6) and Weber (10-13), in light of the prior discussion by Applicant in an earlier paper regarding the distinction between push-on joints and mechanical joints. That discussion is hereby referenced and incorporated by reference to the extent that it is still applicable in light of the amendments to the claims.

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Applicant notes that other distinctions are present with respect to the rejections stated by the Examiner in respect of the individual claims in the set of claims 1-6, but are rendered moot in light of the weight of the distinctions between a gland-and-gasket combination and the cited Walworth and Weber references, which have no gland. Applicant reserves the right to assert additional arguments or to challenge the examiner's interpretation at a later date should such argument become necessary. In light of this amendment, the rejection over Weber for Claims 10-13 should be withdrawn, leaving no rejection against those Claims 10-13. Likewise, the rejection over Walworth for Claims 1-6 should be withdrawn, leaving no rejections against Claim 4, and only the Percebois rejections against Claims 1-3 and 5-6, which are addressed in the next section.

Re: Claims Rejected Over Percebois:

1. Claims 1-3 and 5-6: The Applicant has added to Claim 1 (part b) a recitation of the location of the locking member, as being at least partially between the gutter and the gland-facing surface. Applicant believes that this feature is not found in Percebois. Rather, as the Examiner has identified the gutter in Percebois, the gutter appears between the locking member and the gland-facing surface.
2. Claim 2, specifically. Examiner has stated (line 1, page 4) that the gutter is positioned between the leading portion of the gasket and a radially outermost area of the locking member. Applicant notes that in light of item 1 of this section, above this issue is moot. For the sake of clarity, Applicant notes, however, that the reference numeral 20 in Percebois is not the "leading portion" as used in Applicant's disclosure. Applicant's use of the term "leading portion" indicates the portion of the gasket that is first entering the bell in an axial fashion. (See Para. [0029], line 8).
3. Claim 7: The Applicant respectfully argues that Percebois does not include the elements of the claim as cited by the Examiner. Specifically, no sealing relationship between bell and spigot is shown, no contact is shown by the locking segment to the bell and spigot, and no rotation of the locking segment is shown.

- a. No Bell and Spigot Sealing in Percebois. The Examiner states that Percebois Fig. 3 shows “a sealing relationship between a bell 3 and a spigot 1.” In contrast to that judgment, the Applicant notes that the gasket 19 in Percebois is not in place to seal the spigot to the bell. That function is performed by reference numeral 8. In fact, the purpose and effect of element 19 (see Column 2, line 65, discussing element 16, of which 19 is a part), appears to be twofold: (1) to position the locking segment (see column 3 generally), and (2) to seal the spigot to the segment (see column 4, lines 35-60). Notably, the purpose is not even to *seal* the spigot to the gland. Rather it seals around the segment. Were one to presume the existence of a sealing relationship by the gasket in Percebois to some other component, Applicant cannot see how the sealing could be anything other than a spigot-to-gland seal, NOT a spigot-to-bell seal. (Item 11 in Percebois is the gland).
- b. No Resistive Contact “Between Bell and Spigot”. The Examiner also states that the locking segment 15 in Percebois comes “into resistive contact between the bell and the spigot.” Applicant disagrees. With reference to figure 3 of Percebois, the resistive contact shown is between the *gland* 11 and the spigot. The segment is, in fact, not *between* the bell and the spigot at all as shown in the Percebois figures as interpreted by Applicant, but is outside of the bell completely.
- c. No Rotation Shown in Percebois. Finally, the Examiner states that “(15 rotates downward or radially inward, caused by the outer radial surface of 15 interacting with the ramped surface 25 during tightening).” Applicant must respectfully contend that it finds no evidence for this being the case in Percebois. Percebois shows no rotation of the segment that Applicant has

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noted. The term "rotate" does not appear in the Percebois specification that Applicant can find. The function of the curved surface appears to be to accommodate off-axis or out-of-line joints. In fact, if we are to engage in theory based on the drawings in Percebois, Applicant believes that the very flat profile across the teeth suggests that the Percebois segment would *resist* rotation as all teeth flatly abut the spigot.

Applicant notes that other distinctions are present with respect to the rejections stated by the Examiner in respect of Percebois, but are rendered moot in light of the weight of the distinctions stated above. Applicant reserves the right to assert these arguments or to challenge the examiner's interpretation at a later date should such argument become necessary.

Fees

This paper is believed to be timely. In the event any fees, extensions, or petitions are required, all fees are authorized to be charged to Deposit Account 50-0954 (for which the undersigned is an authorized signatory and user); and this paper hereby formally requests and petitions for all applicable and necessary extensions. The Applicant requests that this paper also be considered to incorporate, and that it be treated as, a petition to the extent any petition is necessary to maintain pendency of this application.

Applicant has diligently sought to comply with all requirements and to correct all informalities, objections, and rejections. The Application is believed to be in condition for allowance, and a timely Notice of Allowance is respectfully requested.

Respectfully submitted,
BRADLEY ARANT ROSE & WHITE LLP

6/7/2005

Date

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CERTIFICATE OF EXPRESS MAILING

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Nathan W. Johnson
Reg. No. 44,173

Date: 6-7-05

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